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FM AMEMBASSY BANDAR SERI BEGAWAN

TO RUEHC/SECSTATE WASHDC 4482

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS COLLECTIVE

RUEHGP/AMEMBASSY SINGAPORE 3490

RUCPDOC/DEPT OF COMMERCE WASHDC

RHHMHAA/COMPACFLT PEARL HARBOR HI

RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 BANDAR SERI BEGAWAN 000071

SIPDIS

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E.O. 12958: DECL: 03/26/2014

TAGS: PGOV PINR PHUM PREL KIPR BX

SUBJECT: AMBASSADOR TODD HOLDS WIDE RANGING DISCUSSION WITH
BRUNEI'S DEPUTY FOREIGN MINISTER

REF: BANDER SERI BEGAWAN 68

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Classified By: Charge d' Affaires, John W. McIntyre for Reason 1.4 (b a
nd d)

SUMMARY

¶1. (C) Ambassador Todd met with Brunei Deputy Foreign Minister, Pehin Lim Jock Seng, on March 19th at Pehin Lim's request. Ambassador Todd pressed USG concerns regarding religious freedom, especially at private religious schools. Pehin Lim Jock expressed surprised and consternation that this issue had not been fully resolved. The upcoming Trafficking in Persons (TIP) report was discussed with Ambassador Todd noting that exploitation of foreign labor is a concern. New labor laws are in the process of being enacted and Pehin Lim pledged to provide more information. Intellectual Property Rights (IPR) and the lack of enforcement and prosecution by certain Brunei ministries, namely the Attorney General Chambers, was noted. The high rates of disc piracy and lack of responsiveness to rights holders were highlighted as key factors to possible and likely changes in Brunei's Special 301 status. On a more positive tone, Ambassador Todd and Pehin Lim discussed possible visits of the Sultan and Crown Prince to the United States. There was specific interest in meeting with POTUS as well as senior USG officials in Washington. Additionally, Pehin Lim Jock noted the success of the Sultan's visit with Ambassador Todd to Pacific Area Command (PACOM) and said follow up visits by the Sultan and/or the Crown Prince are of interest. Ambassador Todd also supported Pehin Lim's efforts for more Bruneians, including members of the royal family, to study in the US. Ambassador Todd provided, at Pehin Lim's request, a letter detailing USG concerns and Pehin Lim promised a formal response. Pehin Lim was receptive to Ambassador Todd's concerns but immediate action on the religious freedom issue is likely not forthcoming. Progress on Labor, IPR, high-level visits, and educational exchanges are more likely. End Summary.

ROLLING BACK RELIGIOUS FREEDOM

¶2. (C) Ambassador Todd, during his meeting with Deputy Foreign Minister, Pehin Lim Jock Seng, took the opportunity to again press the issue of restrictions on religious freedom in Brunei. As noted in this year's Human Rights Report (HRR), Brunei has restricted private religious schools' ability to

teach non-Islamic religious subjects to their non-Islamic students. The Government of Brunei (GoB), via the Ministries of Religious Affairs and Education, have specifically targeted St. Andrews, the local Anglican school. Pehin Lim said that his understanding was that the Ministry of Education simply asked St. Andrew's to ensure that the core Brunei education curriculum was being followed and that if the school wanted to teach religious matters after hours, they could. Ambassador Todd noted that the school was in compliance, to the best of his knowledge, with the national curriculum, but received an official letter stating school officials could be fined or imprisoned if non-Islamic subjects were taught. Pehin Lim said he was unaware of such letter and asked for a copy. Ambassador Todd and DCM McIntyre both noted they had viewed the letter but that school officials did not want to provide a hard copy of said letter for fear of possible reprisals. Pehin Lim responded that he would have to follow up further on this issue but that he was disappointed that it had not already been taken care of both by his staff and the various ministries. He asked that the Ambassador provide him with official letter detailing the USG concerns. (NOTE: Ambassador Todd provided a similar letter to Pehin Lim in early December. END NOTE.) Ambassador Todd concluded by saying the USG respects Brunei's laws and customs but believes Brunei can and must follow the legal precepts promising religious freedom as detailed in Brunei's constitution

TIP REPORT'S FOCUS ON LABOR

¶3. (SBU) Ambassador Todd took the opportunity to discuss the Trafficking in Persons (TIP) report. He noted that while Brunei does not appear to have significant issues with prostitution or sex worker trafficking, there have been concerns raised about forced labor and foreign workers. While

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the GoB closely monitors and enforces labor laws, Ambassador Todd highlighted that a new Labor Order, which is designed to further enhance labor protections, would be viewed as significant progress. Pehin Lim noted that he did not have the latest information on where the Labor Order stood in terms of passing but that he would look into it further. He was interested in further updates on the TIP report, especially given changes in the US legislation that would remove Brunei's "exempt" status. In his letter to Pehin Lim, Ambassador Todd asked for further clarification on Brunei's labor laws and for more information on possible new and enhanced legal protections.

BRUNEI MOST DO MORE FOR IPR

¶4. (SBU) As noted in Reftel, Ambassador Todd urged more action on IPR. With a specific focus on lack of prosecutions as well as what appears to be an unwillingness to meet with rights holders, especially by the Attorney General's Chambers, Ambassador Todd noted that Brunei is being looked upon as a piracy haven. Ambassador Todd noted that MFAT, especially Dato Lim Jock Hoi and Vincent Kong with the Trade Department, have been excellent advocates for more IPR activities but that other GoB ministries continue to lag behind. (NOTE: Dato Lim Jock Hoi is Pehin Lim's brother and is the Permanent Secretary for the Trade Department. Vincent Kong serves as the Director of the Department. End Note.) Ambassador Todd pointed out it is unlikely that Brunei will remain off the Special 301 Watchlist. Pehin Lim expressed his concern over this change and asked what more could be done. Per Reftel, Ambassador Todd noted that the GoB could focus specifically on disc piracy and that more meetings with IPR rights holders should occur. Pehin Lim pledged to follow up on this matter and thanked the Ambassador for the positive comments regarding the work of MFAT.

AND ON A POSITIVE NOTE

¶5. (C) Turning to more positive matters, Ambassador Todd and

Pehin Lim discussed possible visits by the Sultan and the Crown Prince to the United States. Pehin Lim specifically highlighted the success of the Sultan's visit to PACOM in November. He noted that other senior GoB officials would like to follow up on visits to PACOM as well as receive senior US Military officials in Brunei. Pehin Lim noted that the Sultan would like to visit with POTUS, possibly in early fall 2009 in Washington. He also said that the Sultan liked Ambassador Todd's suggestions of visits to SOUTHCOM, West Point and, potentially other US Military installations, as appropriate. Pehin Lim also agreed that the Sultan would appreciate a visit with Boeing and other major aerospace companies. Ambassador Todd took the opportunity to discuss possible trips for the Crown Prince to the US. Ambassador Todd noted that a visit to Boeing, Microsoft, Stanford, and a major US Military installation may be of interest to the Crown Prince. Pehin Lim readily agreed, specifically pointing to a growing interest in Stanford amongst many senior GoB officials.

STUDYING IN THE U.S.

¶6. (SBU) The meeting concluded on high note as Pehin Lim noted a growing interest in Brunei amongst students, including members of the royal family, to study in the U.S. Pehin Lim commented that he personally advised members of the royal family to consider schools such as Stanford for their Masters and Ph.D. degrees. Ambassador Todd stated that outreach to Bruneians, especially regarding opportunities to study in the US is one of his top priorities. Ambassador noted that the US will be hosting DVCs in conjunction with Washington. Pehin Lim replied that he is impressed with the Embassy's outreach efforts and commented he'd welcome any assistance with an appointment as a visiting scholar at Stanford.

COMMENT

¶7. (C) Pehin Lim was receptive to Ambassador Todd's concerns but to date there has been little action taken, especially in regards to the religious freedom issue. It is clear there is a disconnect between Ministries of Education, Religious Affairs, and Foreign Affairs with the net effect of

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no action taken. Pehin Lim is obviously concerned about a change in Brunei's status within the various State Department reports. He also expressed visibly frustration that Ambassador Todd's concerns had not been addressed more fully by his senior staff. We await a more formal response on all the issues raised in Ambassador Todd's letter to Pehin Lim. It is doubtful that immediate action will be taken on the religious freedom issue, however the GoB knows that this is an issue that will not simply go away. Some progress will likely be made in the immediate future on IPR enforcement. Brunei monitors its labor market closely and does not appear to have significant forced labor issues, however enhanced legal protection would be welcome.

MCINTYRE